

DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

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ROLL CALL HEARING

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IN THE MATTER OF: *

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Last Laugh, LLC *

t/a High Dive *

2337 18th Street, NW *

Retailer CT - ANC-1C *

License No. ABRA-097821 *

Case #15-PRO-00068 *

*

(Substantial Change - *

Sidewalk Cafe) *

September 14, 2015

The Alcoholic Beverage Control Board
 met in the Alcoholic Beverage Control Hearing
 Room, Reeves Building, 2000 14th Street, N.W.,
 Suite 400S, Washington, D.C. 20009, Ms. LaVerne
 Fletcher, Agent, presiding.

1 P-R-O-C-E-E-D-I-N-G-S

2 10:04 a.m.

3 AGENT FLETCHER: Would the parties
4 in the matter of High Dive, please, come
5 forward? The parties in the matter of High
6 Dive. This is Case No. 15-PRO-00068, Last
7 Laugh, LLC t/a High Dive, 2337 18th Street,
8 N.W., License No. ABRA-097821. This is a
9 Retailer Class CT, substantial change, sidewalk
10 cafe.

11 The protest issues are adverse
12 impact on peace, order and quiet.

13 My name is LaVerne Fletcher. I'm
14 conducting the Roll Call Hearing as the Board's
15 Agent pursuant to D.C. Official Code 1601.2.

16 Introductions beginning with the
17 applicant.

18 MR. WHELAN: Good morning. Stephen
19 Whelan of the Veritas Law Firm on behalf of the
20 applicant.

21 AGENT FLETCHER: And Stephen, how do
22 you spell your first name?

1 MR. WHELAN: S-T-E-P-H-E-N.

2 AGENT FLETCHER: Okay. And the last
3 name one more time?

4 MR. WHELAN: W-H-E-L-A-N, Whelan.

5 AGENT FLETCHER: Okay. Thank you
6 very much.

7 And on behalf of the Kalorama
8 Citizens Association?

9 MR. JAMES: Well, actually today I'm
10 here on my own behalf as an individual
11 protestant. Denis James. And there is another
12 of the individual protestants here.

13 MS. RIGBY: K. Rigby, Katharine
14 Rigby.

15 AGENT FLETCHER: And did you say --
16 the name again? What was it?

17 MS. RIGBY: Katharine, K-A-T-H-A-R-
18 I-N-E, Rigby.

19 AGENT FLETCHER: And could you spell
20 that for the record, Ms. Rigby?

21 MS. RIGBY: R-I-G-B-Y.

22 AGENT FLETCHER: Thank you. And,

1 Mr. James, I know you are representing the
2 individuals in the group of three. Is John
3 Hargrove, by any chance here?

4 MR. JAMES: Correct.

5 AGENT FLETCHER: Okay.

6 MR. JAMES: I'm pretty sure that he
7 is out of town. He -- I saw him by chance on
8 the street and he indicated that was to be the
9 case and he did name me in his protect letter
10 which I emailed to you earlier.

11 AGENT FLETCHER: I have it, yes.

12 And so the group of three is granted standing as
13 protestants. The group of three is located in a
14 residential -- not residential, Moratorium Zone.
15 Generally it takes at least a group of five, but
16 because it's a Moratorium Zone, a group of three
17 is the requirement.

18 And, Mr. James, are you also here on
19 behalf of the Kalorama Citizens Association?

20 MR. JAMES: Well, no. Just for the
21 record, we did protest the initial request for a
22 sidewalk cafe, which was placarded earlier, so

1 we were able to do it at one of our regular
2 meetings. But then that was withdrawn and an
3 entertainment endorsement was added to it during
4 a time which we were not meeting.

5 AGENT FLETCHER: Okay. Thank you.

6 So I have made a note here that the KCA is not a
7 protestant in this matter, just the group of
8 three. And present on behalf of ANC-1C.

9 MS. SEIWELL: My name is Julie
10 Seiwell. The last name is S-E-I-W-E-L-L.

11 AGENT FLETCHER: I'm sorry, how do
12 you spell the last name again?

13 MS. SEIWELL: S, as in Sam.

14 AGENT FLETCHER: Yes.

15 MS. SEIWELL: E-I-W-E-L-L.

16 AGENT FLETCHER: Okay. Thank you.
17 And what's the first name?

18 MS. SEIWELL: Julie.

19 AGENT FLETCHER: Julie. And Julie,
20 would you put your contact information on that
21 sheet?

22 MS. SEIWELL: Yes, I did.

1 AGENT FLETCHER: Okay. Thank you.

2 ANC-1C does have standing as a protestant.

3 We need to set a date for a
4 mediation, a Status Hearing and a Protest
5 Hearing. And I'll give you the dates for the
6 Status and Protest Hearing first.

7 The date for the Status Hearing is
8 going to be October 21st, October 21st at 9:30.
9 And the date for the Protest Hearing is December
10 2nd at 4:30 p.m. December 2nd.

11 I'll give you the next available
12 date for mediation. The next available date is
13 September 24, that's next Thursday, at 9:00,
14 10:00 or 11:00.

15 MS. SEIWELL: I would be available
16 at 9:00.

17 MR. WHELAN: I don't have that day
18 available.

19 AGENT FLETCHER: Okay. Then I'll
20 see what is available in the next week. There
21 is nothing. Well, actually, we could do it on
22 Monday, September 28th at 1:00 in the afternoon

1 if anyone wants to come in the afternoon.
2 Otherwise, I will move to the following week to
3 do something in the morning.

4 MR. WHELAN: 9/28?

5 MS. SEIWELL: I would not be
6 available to do that.

7 AGENT FLETCHER: Okay. What about
8 Tuesday, October 6th at 9:00, 10:00 or 11:00?
9 That's a Tuesday.

10 MR. JAMES: 11:00 would work for me
11 or 10:00 in a pinch, but --

12 AGENT FLETCHER: Okay.

13 MR. JAMES: -- I'm not an early guy.

14 MS. SEIWELL: I would be available
15 at 9:00 on Tuesday.

16 AGENT FLETCHER: Would that work for
17 you, Mr. Whelan?

18 MR. WHELAN: Yes, that would.

19 AGENT FLETCHER: 9:00?

20 MR. WHELAN: Any of those times are
21 fine.

22 MR. JAMES: Okay.

1 AGENT FLETCHER: Are we going to do
2 9:00? Okay.

3 MR. JAMES: So what was that date
4 again?

5 AGENT FLETCHER: The date is
6 Tuesday, October 6 at 9:00 for mediation.

7 MR. JAMES: Maybe we will get it
8 resolved before then.

9 AGENT FLETCHER: Okay. If you do,
10 then I'll cancel it. Okay. Then any questions
11 at all?

12 MR. JAMES: Roll call?

13 AGENT FLETCHER: Oh.

14 MS. SEIWELL: Just to confirm also
15 the date is October 21st at 9:30?

16 AGENT FLETCHER: Yes.

17 MS. SEIWELL: And December 2nd at
18 4:30?

19 AGENT FLETCHER: Yes.

20 MS. SEIWELL: Okay.

21 AGENT FLETCHER: And you will
22 receive a notice of that in the mail, too.

1 MS. SEIWELL: Oh, okay.

2 AGENT FLETCHER: To your email
3 address.

4 MS. SEIWELL: Okay. Perfect.

5 MR. JAMES: I do have what might be
6 a technical question. I'm not sure that --
7 maybe this isn't the right place to answer it --
8 ask it, but as to when -- I know the Board wants
9 to see all the parties at some point. Does that
10 mean in hearings just before the Board or does
11 this one count towards those hearings?

12 AGENT FLETCHER: At the Status
13 Hearing. At the Status Hearing is where they
14 need to see the additional one person in your
15 case.

16 MR. JAMES: Right. And would -- if
17 that participated in the -- assuming we go -- we
18 do have a mediation and he participated in the
19 mediation, would that person still need to come
20 to the status?

21 AGENT FLETCHER: Yes.

22 MR. JAMES: Okay. So it's status?

1 AGENT FLETCHER: Yes, uh-huh.

2 MR. JAMES: Very good.

3 AGENT FLETCHER: Okay.

4 MR. JAMES: Thank you very much.

5 AGENT FLETCHER: Okay. Then the

6 Roll Call Hearing is concluded. Thank you.

7 MS. SEIWELL: Thank you.

8 MR. WHELAN: Thank you.

9 (Whereupon, the Roll Call Hearing in
10 the above-entitled matter was concluded at 10:12
11 a.m.)
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